THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.19481 OF 1996

DATE: 5-2-2007

Between:

Pammi Rama Kotaiah .... Petitioner

And

1. Kilari Venkateswara Rao,
President, Primary Agricultural Cooperative Credit Society Ltd, Khammam and 2 others ... Respondents

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.19481 OF 1996

ORDER:

Heard Sri D.V.Bhadram, learned counsel for the petitioner and the Learned Assistant Government Pleader for Cooperation.

The grievance of the petitioner, a Clerk in the 2nd respondent – society, is that the order terminating his services, is in violation of Section 47 of the A.P. Shops and Establishments Act, 1988 and the rules made thereunder. The 2nd respondent – society is a Primary Agricultural Cooperative Society, a society registered under the A.P. Cooperative Societies Act. It is not in dispute that the 2nd respondent is not an instrumentality of the State under Article 12 of the Constitution of India and, as held by the Full Bench of this Court in **Sri Konaseema Co-operative Central Bank Ltd, Amalapuram v. N.Seetharama Raju** [1], no writ would lie against the 2nd respondent – society. Petitioner would, however, contend that what is being questioned in this writ petition is violation of the statutory provisions under the A.P. Shops and Establishment Act. As held by the Full Bench of this

Court in **Sri Konaseema Co-operative Central Bank Ltd**, the forum for enforcement of his rights under Section 47 of the A.P. Shops and Establishment Act is the authority specified under the Act and not in writ proceedings under Article 226 of the Constitution of India. Leaving it open to the petitioner, if he is so aggrieved, to invoke the jurisdiction of the competent authorities under the A.P. Shops and Establishment Act, the writ petition is dismissed. However, in the circumstances, without costs.

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5-2-2007

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[1] AIR 1990 AP 171